

**Town Board Minutes**  
(Municipal Review Committee )

**Meeting**  
**No. 11**

**Special Meeting**

**April 2, 2007**

# Town Board Minutes

April 2, 2007

Meeting No. 11

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 2<sup>nd</sup> day of April 2007, at 6:30 PM and there were

**PRESENT:** DANIEL AMATURA, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR  
JOHN GOBER, PLANNING BOARD MEMBER  
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER  
STEVEN SOCHA, PLANNING BOARD MEMBER  
MELVIN SZYMANSKI, PLANNING BOARD MEMBER  
STANLEY KEYSA, PLANNING BOARD CHAIRMAN

**ABSENT:** MARK MONTOUR, COUNCIL MEMBER  
REBECCA ANDERSON, PLANNING BOARD MEMBER  
MICHAEL MYSZKA, PLANNING BOARD MEMBER

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
LEONARD CAMPISANO, ASSISTANT BUILDING INSPECTOR  
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

## **PURPOSE OF MEETING:**

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for one (1) action.

**IN THE MATTER OF THE SEQR REVIEW OF THE**

**SALVATORE'S ITALIAN GARDENS SITE PLAN**

The Municipal Review Committee proceeded with the Long Environmental Assessment Form on the Salvatore's Italian Gardens site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled "Part 2 Project Impacts and Their Magnitude" which was provided to each member.

**PLEASE TAKE NOTICE**, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

**NAME AND ADDRESS OF LEAD AGENCY**

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Richard J. Sherwood, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately 7.26 acres.

The location of the premises being reviewed is 6461 Transit Road, County of Erie, Lancaster, New York.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY PLANNING BOARD MEMBER SOCHA  
WHO MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**RESOLVED**, that the following Negative Declaration be adopted:

**NOTICE OF DETERMINATION  
SALVATORE'S ITALIAN GARDENS SITE PLAN  
NEGATIVE DECLARATION**

## REASONS SUPPORTING DETERMINATION

### FINDINGS STATEMENT - PROJECT IMPACTS

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will not result in a physical change to the project site.
2. The proposed action will not affect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will not affect surface or ground water quality or quantity.
  - It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is not required; however, best management practices are required.
6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action will have a small to moderate impact on threatened or endangered species.
  - It is noted that pesticide or herbicide may be applied for lawn care purposes.
9. The proposed action will not substantially affect non-threatened or non-endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will not affect aesthetic resources.
12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
  - It is noted that this property has been totally disturbed by previous construction upon the site.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.

14. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).
15. The proposed action will not affect existing transportation systems.
16. The proposed action will not affect the community's sources of fuel or energy supply.
17. There will not be objectionable odors, noise, or vibration as a result of this proposed action.
18. The proposed action will not affect public health and safety.
19. The proposed action will have a small to moderate impact on the character of the existing community.
  - It is noted that there may be increased demand for police and fire services as well as an increase in employment.
20. There is not, nor is there likely to be, public controversy related to potential adverse environmental impacts.

s/s \_\_\_\_\_

SEAL

Robert H. Giza, Supervisor  
Town of Lancaster

April 2, 2007

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a voice vote which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

April 2, 2007

**ADJOURNMENT:**

ON MOTION OF PLANNING BOARD MEMBER KORZENIEWSKI AND  
SECONDED BY COUNCIL MEMBER RUFFINO FOR ADJOURNMENT OF THE  
MEETING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The meeting was adjourned at 6:45 P.M.

Signed   
Johanna M. Coleman, Town Clerk

# **Town Board Minutes**

## **Meeting No. 12**

### **Regular Meeting**

**April 2, 2007**



## **Town Board Minutes**

April 2, 2007

Meeting No. 12

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 2<sup>nd</sup> day of April 2007 at 8:00 P.M. and there were

**PRESENT:** DANIEL AMATURA, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** MARK MONTOUR, COUNCIL MEMBER

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
RICHARD SHERWOOD, TOWN ATTORNEY  
LEONARD CAMPISANO, ASSISTANT BUILDING INSPECTOR  
GARY STOLDT, CHIEF OF POLICE  
TERRENCE McCracken, GENERAL CREW CHIEF  
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

### **EXECUTIVE SESSION:**

UPON A MOTION DULY MADE BY COUNCIL MEMBER AMATURA, SECONDED BY COUNCIL MEMBER STEMPIAK AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing a contractual matter.

At 9:28 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

**PERSONS ADDRESSING TOWN BOARD:**

The Supervisor introduced the following persons and congratulated the Sertoma Essay & Poster Contest winners: Sal Carlino, Coordinator of the Sertoma Essay Contest, Allyson Yelich, Sertoma Essay Contest winner and Catic Kotowski, Sertoma Poster Contest winner.

**Bastian, Norman**, 5747 Genesee Street, spoke to the Town Board on the following matter:

- early morning garbage pickup for a nearby business

**Chowaniec, Lee**, 93 Northwood Drive, spoke to the Town Board on the following matters:

- sale of former Depew Public Library Building
- a particular lot on Siebert Road

**Fronczak, Mike**, 3 Woodstream Drive, spoke to the Town Board on the following matters:

- number of parking spaces at Salvatore's Italian Gardens Restaurant
- cause of fire in Building # 21 at Town Center

**Schneggenburger, Roy**, 87 Stony Road, spoke to the Town Board on the following matters:

- site plan of Salvatore's Italian Gardens Restaurant
- property at 6449 Transit Road
- rules regulating storage of household refuse

**Symer, Donald**, 610 Columbia Avenue, spoke to the Town Board on the following matter:

- lease agreement with the Opera House
- snow clearing at Town owned buildings

**PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:**

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed Local Law of the Year 2007 entitled "Uniform Code: Minimum Standards for Administration and Enforcement".

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
None		

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER AMATURA AND CARRIED, the public hearing was closed at 8:31 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

April 2, 2007

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED**, that the minutes of the Regular Meeting of the Town Board held  
March 19, 2007 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	RECUSED*
SUPERVISOR GIZA	VOTED YES

April 2, 2007

Council Member Stempniak recused herself as she did not attend the meeting mentioned in the  
resolution.

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, the Town of Lancaster and the Lancaster Opera House Inc., have previously entered into a lease of premises located at 21 Central Avenue, Lancaster, New York for the purpose of the Lancaster Opera House Inc. utilizing the second and third floors of the Lancaster Town Hall for various artistic and cultural programs, and

**WHEREAS**, the present lease expires June 30, 2011, and

**WHEREAS**, the Lancaster Opera House Inc. has requested that the Town Board consider extending the lease now for an additional seven (7) years to expire June 30, 2018 which will provide then for a seventeen (17) year lease period commencing on July 1, 2001 which will permit the Lancaster Opera House Inc. to apply for grants for improvements to be made in the facility, and

**WHEREAS**, the Town Board has given due review and consideration to the beforementioned request of the Lancaster Opera House Inc. and deems in the public interest to extend the lease as beforementioned through June 30, 2018 on the same terms and conditions as set forth in the present lease;

**NOW THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That the Town Board of the Town of Lancaster hereby extends the lease between the Town of Lancaster and the Lancaster Opera House Inc. to June 30, 2018.
2. That the Town Board of the Town of Lancaster hereby authorizes the Supervisor to execute a modification of the lease so extending its present terms and conditions through that date.
3. That the Town Clerk is hereby directed to deliver a copy of this resolution to the executive director of the Lancaster Opera House.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of Local Laws, and

**WHEREAS**, a proposed Local Law of the Year 2007 entitled "UNIFORM CODE: MINIMUM STANDARDS FOR ADMINISTRATION AND ENFORCEMENT" as set forth in Title 19, NYCRR, Part 1203 was introduced to the Town Board of the Town of Lancaster by Supervisor Giza on the 19th day of March, 2007, and

**WHEREAS**, a Public Hearing was duly called and held pursuant to law on April 2, 2007;

**NOW, THEREFORE, BE IT**

**ENACTED**, by the Town Board of the Town of Lancaster, Local Law No. 1 of the Year 2007, entitled "UNIFORM CODE: MINIMUM STANDARDS FOR ADMINISTRATION AND ENFORCEMENT" as set forth in Title 19, NYCRR, Part 1203 - "Uniform Code: Minimum Standards for Administration and Enforcement" attached hereto and made a part hereof:

**UNIFORM CODE: MINIMUM STANDARDS FOR  
ADMINISTRATION AND ENFORCEMENT**

**LOCAL LAW NO. 1  
OF THE YEAR 2007**

**A LOCAL LAW TO REVISE THE MINIMUM STANDARDS FOR ADMINISTRATION  
AND ENFORCEMENT OF TITLE 19, NEW YORK CODES, RULES AND  
REGULATIONS WITH RESPECT TO THE UNIFORM FIRE PREVENTION AND  
BUILDING CODE.**

BE IT ENACTED, by the Town Board of the Town of Lancaster as follows:

**1. PART 1203 - UNIFORM CODE: MINIMUM STANDARDS FOR ADMINISTRATION  
AND ENFORCEMENT  
Effective January 1, 2007**

1203.1 Introduction. Section 381 of the Executive Law directs the Secretary of State to promulgate rules and regulations for administration of the Uniform Fire Prevention and Building Code (Uniform Code). These rules and regulations are to address the nature and quality of enforcement and are the subject of this Part.

**1203.2 Program for administration and enforcement.**

- (a) Every city, village, town, and county, charged under subdivision 2 of section 381 of the Executive Law with administration and enforcement of the Uniform Code shall provide for such administration and enforcement by local law, ordinance or other appropriate regulation. Any such instrument or combination thereof shall include the features described in section 1203.3 of this Part.
- (b) Every state agency accountable under section 1201.2(d) of this Title for administration and enforcement of the Uniform Code shall provide for such administration and enforcement in accordance with Part 1204 of this Title.
- (c) Every agency accountable under section 1201.2 of this Title for administration and enforcement of the Uniform Code and not otherwise included in subdivisions (a) and (b) of this section shall provide for such administration and enforcement in regulation. Any such regulation shall include the features described in section 1203.3 of this Part.
- (d) Every government or agency thereof charged with administration and enforcement of the Uniform Code shall exercise its powers in due and proper manner so as to extend to the public protection from the hazards of fire and inadequate building construction.
- (e) (1) Where a government or agency charged with or accountable for administration and enforcement of the Uniform Code relies upon the contracted-for services of an individual, partnership, business corporation or similar firm for the principal part of an administration and enforcement program, it shall satisfy itself that any such provider has qualifications comparable to those of an individual who has met the requirements of Part 434 of this Title.
  - (2) No agreement shall be made by which building permits, certificates, orders or appearance tickets related to administration and enforcement of the Uniform Code are issued by other than public officers.
- (f) The persons, offices, departments, agencies or combinations thereof authorized and responsible for administration and enforcement of the Uniform Code, or any portion thereof, shall be clearly identified.

1203.3 Minimum features of a program for administration and enforcement of the Uniform Code. A program for administration and enforcement of the Uniform Code shall, include all features described in subdivisions (a) through (j) of this section. A government or agency charged with or accountable for administration and enforcement of the code must provide for each of the listed features through legislation or other appropriate means.

(a) Building permits.

(1) Building permits shall be required for work which must conform to the Uniform Code. A government or agency charged with or accountable for administration and enforcement of the Uniform Code may exempt from the requirement for a permit the categories of work listed in subparagraphs (i) through (xii) of this paragraph. An exemption from the requirement to obtain a permit shall not be deemed an authorization for work to be performed in violation of the Uniform Code. The following categories of work may be excluded from the requirement for a building permit:

- (i) construction or installation of one story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 144 square feet (13.88m<sup>2</sup>);
- (ii) installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (iii) installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;
- (iv) installation of fences which are not part of an enclosure surrounding a swimming pool;
- (v) construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;
- (vi) construction of temporary motion picture, television and theater stage sets and scenery;
- (vii) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (viii) installation of partitions or movable cases less than 5'-9" in height;
- (ix) painting, wallpapering, tiling, carpeting, or other similar finish work;
- (x) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
- (xi) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications;
- (xii) repairs, provided that such repairs do not involve:
  - (a) the removal or cutting away of a loadbearing wall, partition, or portion thereof, or of any structural beam or load bearing component;
  - (b) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress;
  - (c) the enlargement, alteration, replacement or relocation of any building system;
  - (d) the removal from service of all or part of a fire protection system for any period of time.

(2) An application for a building permit shall request sufficient information to permit a determination that the intended work accords with the requirements of the Uniform Code and shall require submission of the following information and documentation:

- (i) a description of the proposed work;
- (ii) the tax map number and the street address;
- (iii) the occupancy classification of any affected building or structure;
- (iv) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
- (v) at least 2 sets of construction documents (drawings and/or specifications) that define the scope of the proposed work.



(3) Construction documents shall not be accepted as part of an application for a building permit unless such documents:

- (i) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law;
- (ii) indicate with sufficient clarity and detail the nature and extent of the work proposed;
- (iii) substantiate that the proposed work will comply with the Uniform Code and the State Energy Conservation Construction Code.
- (iv) where applicable, include a site plan that shows any existing and proposed structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the structures and the lot lines.

(4) Applications for a building permit or for an amendment thereto shall be examined to ascertain whether the proposed construction is in substantial conformance with the requirements of the Uniform Code. Provisions shall be made for construction documents accepted as part of a permit application to be so marked in writing or by stamp. One set of accepted construction documents shall be retained by the government or agency charged with or accountable for administration and enforcement of the code. One set shall be returned to the applicant to be kept at the work site so as to be available for use by the code enforcement official.

(5) A building permit shall contain a statement directing that all work shall be performed in accordance with the construction documents submitted and accepted as part of the application. In addition, a permit shall include the directive that the government or agency responsible for enforcement of the code shall be notified immediately in the event of changes occurring during construction.

(6) Building permits shall be issued with a specific expiration date. A local government or agency responsible for enforcement of the Uniform Code may provide that a permit shall become invalid unless the work authorized is commenced within a specified period following issuance.

(7) When a building permit has been issued in error because of incorrect, inaccurate or incomplete information, or the work for which the permit was issued violates the Uniform Code, such permit shall be revoked or suspended until such time as the permit holder demonstrates that all work completed and all work proposed shall be in compliance with applicable provisions of the code.

(8) Building permits shall be required to be visibly displayed at the work site and to remain visible until the project has been completed.

(b) Construction inspections.

(1) Permitted work shall be required to remain accessible and exposed until inspected and accepted by the government or agency enforcing the Uniform Code. Permit holders shall be required to notify the government or agency when construction work is ready for inspection.

(2) Provisions shall be made for inspection of the following elements of the construction process, where applicable:

- (i) work site prior to the issuance of a permit;
- (ii) footing and foundation;
- (iii) preparation for concrete slab;
- (iv) framing;
- (v) building systems, including underground and rough-in;
- (vi) fire resistant construction;
- (vii) fire resistant penetrations;
- (viii) solid fuel burning heating appliances, chimneys, flues or gas vents;
- (ix) energy code compliance; and
- (x) a final inspection after all work authorized by the building permit has been completed.

(3) After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the permit holder shall be notified as to where the work fails to comply with the Uniform Code. Construction work not in compliance with code provisions shall be required to remain exposed until it has been brought into compliance with the code, been reinspected, and been found satisfactory as completed.

(c) Stop work orders. Stop work orders shall be used to halt work that is determined to be contrary to provisions of the Uniform Code, or is being conducted in a dangerous or unsafe manner, or is being performed without obtaining a required permit. A stop work order shall state the reason for its issuance and the conditions which must be satisfied before work will be permitted to resume.

(d) Certificates of occupancy; certificates of compliance.

(1) A certificate of occupancy or a certificate of compliance shall be required for any work which is the subject of a building permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a building permit was previously issued shall be granted only by issuance of a certificate of occupancy or a certificate of compliance.

(2) Issuance of a certificate of occupancy or a certificate of compliance shall be preceded by an inspection of the building, structure or work. Where applicable, a written statement of structural observations and/or a final report of special inspections, prepared in accordance with the provisions of the Uniform Code, must be received prior to the issuance of the certificate. Also, where applicable, flood hazard certifications, prepared in accordance with the provisions of the Uniform Code must be received prior to the issuance of the certificate. A certificate of occupancy or certificate of compliance shall contain the following information:

- (i) the building permit number, if any;
- (ii) the date of issuance of the permit, if any;
- (iii) the name, address and tax map number of the property;
- (iv) if the certificate is not applicable to an entire structure, a description of that portion of the structure for which the certificate is issued;
- (v) the use and occupancy classification of the structure;
- (vi) the type of construction of the structure;
- (vii) the assembly occupant load of the structure, if any;
- (viii) if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
- (ix) any special conditions imposed in connection with the issuance of the building permit; and
- (x) the signature of the official issuing the certificate and the date of issuance.

(3) Temporary occupancy. A certificate allowing temporary occupancy of a structure may not be issued prior to the completion of the work which is the subject of a building permit unless the structure or portions thereof may be occupied safely, any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and all required means of egress from the structure have been provided. The effectiveness of a temporary certificate shall be limited to a specified period of time during which the permit holder shall undertake to bring the structure into full compliance with applicable provisions of the Uniform Code.

(4) A certificate of occupancy or certificate of compliance issued in error or on the basis of incorrect information shall be suspended or revoked if the relevant deficiencies are not corrected within a specified period of time.

(e) Notification regarding fire or explosion. Procedures shall be established for the chief of any fire department providing fire fighting services for a property to notify the code enforcement official of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gas vent.

(f) Procedures regarding unsafe structures and equipment. Procedures shall be established for identifying and addressing unsafe structures and equipment.

(g) Operating permits.

(1) Operating permits shall be required for conducting the activities or using the categories of buildings listed below:

- (i) manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4), of the Fire Code of New York State (see 19 NYCRR Part 1225);

- (ii) hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;
- (iii) use of pyrotechnic devices in assembly occupancies;
- (iv) buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and
- (v) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by the government or agency charged with or accountable for administration and enforcement of the Uniform Code.

(2) Parties who propose to undertake the types of activities or operate the types of buildings listed in paragraph (1) of this subdivision shall be required to obtain an operating permit prior to commencing such operation. An application for an operating permit shall contain sufficient information to permit a determination that quantities, materials, and activities conform to the requirements of the Uniform Code. Tests or reports necessary to verify conformance shall be required.

(3) An inspection of the premises shall be conducted prior to the issuance of an operating permit.

(4) A single operating permit may apply to more than one hazardous activity.

(5) Operating permits may remain in effect until reissued, renewed or revoked or may be issued for a specified period of time consistent with local conditions.

(6) Where activities do not comply with applicable provisions of the Uniform Code, an operating permit shall be revoked or suspended.

(h) Fire safety and property maintenance inspections. Provisions shall be made for:

(1) fire safety and property maintenance inspections of buildings, which contain an area of public assembly at intervals not to exceed one year;

(2) fire safety and property maintenance inspections of all multiple dwellings and all nonresidential occupancies at intervals consistent with local conditions, but in no event shall such intervals exceed one year for dormitory buildings and three years for all other buildings.

(i) Procedure for complaints. Procedures shall be established for addressing bona fide complaints which assert that conditions or activities fail to comply with the Uniform Code or with local laws, ordinances or regulations adopted for administration and enforcement of the Uniform Code. The process for responding to such complaints shall include, when appropriate, provisions for inspection of the conditions and/or activities alleged to be in violation of the code or the laws and/or regulations adopted for administration and enforcement of the code.

(j) Record keeping. A system of records of the features and activities specified in subdivisions (a) through (i) of this section and of fees charged and collected, if any, shall be established and maintained.

1203.4 Program review and reporting. (a) Every city, village, town, and county, charged under subdivision 2 of section 381 of the Executive Law with administration and enforcement of the Uniform Code shall annually submit to the Secretary of State, on a form prescribed by the Secretary, a report of its activities relative to administration and enforcement of the Uniform Code.

(b) Upon request of the Department of State, every municipality or other agency subject to this Part shall provide from the records and related materials it is required to maintain excerpts, summaries, tabulations, statistics and other information and accounts of its activities in connection with administration and enforcement of the Uniform Code. Failure to produce the requested materials shall permit an inference that the minimum standards of this Part have not been met.

When effective.

This chapter shall become effective upon filing with the Secretary of State.

**BE IT FURTHER**

**RESOLVED**, that the Town Clerk of the Town of Lancaster shall:

1. Immediately post a copy of Local Law No. 1 of the Year 2007 on the Town Bulletin Board, and
2. Within ten (10) days, publish a certified copy of the Local Law abstract thereof describing the same in general terms in the Lancaster Bee, declared the official newspaper for this publication, and
3. Maintain a file in the Town Clerk's office on Local Law No. 1 of the Year 2007, with all proof of publication and posting required for adoption, and
4. File certified copies of Local Law No. 1 of the Year 2007 within ten (10) days of adoption with:
  - a) Town Clerk's Office
  - b) One (1) copy with the Office of the Secretary of State.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 2, 2007

**LEGAL NOTICE  
NOTICE OF ADOPTION  
LOCAL LAW No. 1  
OF THE YEAR 2007**

**PLEASE TAKE NOTICE** that there has been adopted by the Town Board of the Town of Lancaster, Erie County, New York, on April 2, 2007, Local Law No. 1 of the Year 2007, entitled: "Uniform Code: Minimum Standards For Administration and Enforcement", briefly described as follows:

**"A LOCAL LAW TO REVISE THE MINIMUM STANDARDS FOR  
ADMINISTRATION AND ENFORCEMENT OF TITLE 19, NEW YORK CODES,  
RULES AND REGULATIONS WITH RESPECT TO THE UNIFORM FIRE  
PREVENTION AND BUILDING CODE."**

April 2, 2007

**STATE OF NEW YORK :  
COUNTY OF ERIE : ss:  
TOWN OF LANCASTER :**

**THIS IS TO CERTIFY**, that I, JOHANNA M. COLEMAN, Town Clerk of the Town of Lancaster in said County of Erie, have compared the foregoing copy of the Local Law of the Year 2007, with the original thereof filed in my office at Lancaster, New York, on the 2<sup>nd</sup> day of April, 2007, and that the same is a true and correct copy of said original and of the whole thereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Seal of said Town, this 2nd day of April, 2007.

---

Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, Governor Spitzer proposed real property tax reform in the Executive Budget for years 2007-2008 by providing relief from school district taxes, known as "Middle Class STAR", and

**WHEREAS**, such proposal is welcome and needed, and

**WHEREAS**, such proposal contains provisions of confidentiality that will impose costly requirements of altering assessment and real property tax collection programs, and of additional personnel, and dislocation and confusion in furnishing tax collection records, and

**WHEREAS**, such needed program of tax relief can be implemented through a direct credit against State income taxes,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Governor Spitzer and the Legislature are urged to amend the "Middle Class STAR" proposal by eliminating the costly confidentiality provisions, or in the alternative that the program be revised by providing a credit against the State income tax.

**BE IT FURTHER**

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Governor Eliot Spitzer and all the Western New York State Legislators.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 2, 2007

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, Lovejoy Builders, Inc., 1164 Lovejoy Street, Buffalo, New York 14206 has requested the Town Board of the Town of Lancaster accept work completed under a Street Lighting Public Improvement within Michael's Landing Subdivision, Phase III, within the Town of Lancaster, and

**WHEREAS**, the Town Engineer has inspected the improvement and has recommended the approval thereof.

**WHEREAS**, the Town Attorney, by letter to the Town Clerk dated March 27, 2007, has reported his favorable review for the acceptance of this public improvement.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following completed Street Lighting Public Improvement within Michael's Landing Subdivision, Phase III, be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 621 - Street Lights

and,

**BE IT FURTHER**

**RESOLVED**, that a copy of this resolution be directed by the Town Clerk to the New York State Electric & Gas Corporation with a request to energize the street lights herein.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 2, 2007

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK. TO WIT:

**WHEREAS**, the Highway Superintendent of the Town of Lancaster, Richard Reese, has advised the Town Board that the Highway Department no longer has use for a 1980 Gallion Roller, Serial No. S4-GAWD-59763 and he has requested that the Town Board therefore deem the 1980 Gallion Roller to be surplus property and permit the Highway Superintendent to offer this equipment at a public auction, and

**WHEREAS**, the Town Board has given due consideration to the request of the Highway Superintendent and deems it in the public interest to declare the beforementioned property to be surplus property and permit a public auction of same;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby declares the beforementioned 1980 Gallion Roller, Serial No. S4-GAWD-59763 to be surplus property and authorizes the Highway Superintendent to cause the public auction of the beforedescribed property at a public auction as deemed appropriate by the Highway Superintendent with the funds received at auction to be made payable to the Town of Lancaster and delivered to the Town Supervisor's Office.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 2, 2007



**PUBLIC AUCTION  
OF TOWN OWNED SURPLUS EQUIPMENT**

Notice is hereby given that the Town Highway Department has a 1980 Gallion Roller, Serial No. S4-GAWD-59763 which is deemed surplus equipment and will be auctioned at the Palmyra Municipal Equipment Auction by Roy Teitsworth, Inc. at 6502 Barber Hill Road, Geneseo, New York 14454 on May 12, 2007 at 9:00 AM.

Successful bidders must provide a payment of 10% of the bid price offered payable to the Town of Lancaster. The balance from the successful bidder is due 48 hours after the auction.

The surplus equipment may be inspected at the Town of Lancaster Highway Department, 525 Pavement Road, Lancaster, New York by contacting the Highway Department at 683-3426 to make an appointment.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS, Salvatore's Italian Gardens, 6461 Transit Road, Lancaster, New York 14043** has submitted a site plan prepared by Caley + Company Architects, dated February 5, 2007 and received February 20, 2007 for the proposed expansion of the existing 52,990 square foot facility (Salvatore's Italian Gardens) to the north with a 12,900 square foot addition located at 6461 Transit Road in the Town of Lancaster, and

**WHEREAS,** the Planning Board has reviewed the plan and at its meeting March 7, 2007 has recommended approval of this project, and

**WHEREAS,** a SEQR Review of this project was held April 2, 2007 and a negative declaration was issued at that time;

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Town Board of the Town of Lancaster hereby approves the site plan submitted by Salvatore's Italian Gardens and prepared by Caley + Company Architects, dated February 5, 2007 and received February 20, 2007 for the proposed expansion of the existing 52,990 square foot facility (Salvatore's Italian Gardens) to the north with a 12,900 square foot addition located at 6461 Transit Road in the Town of Lancaster contingent on the following conditions:

- 1) Additional landscaping plans to be provided to the Town Board and approval by Crew Chief Terrance McCracken of the Department of Parks and Recreation.
- 2) The number of parking spaces for the total complex must be to code, subject to approval by the Building Inspector.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 2, 2007

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Chief of Police of the Town of Lancaster has requested the Town Board to advertise for bids to furnish six (6) new 2007 Police Vehicles for use by the Police Department, and

**WHEREAS**, the Public Safety Committee of the Town Board has approved such request;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Notice to Bidders and/or Automobile Dealers, in form attached hereto and made a part hereof, be published in the Lancaster Bee and posted according to Law, that the Town will receive bids up to 10:00 o'clock A.M. Local Time, on April 17, 2007 at the Town Hall, 21 Central Avenue, Lancaster, New York, for the furnishing of six (6) new 2007 Police Vehicles for use by the Police Department of the Town of Lancaster, in accordance with specifications on file in the office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 2, 2007

N.B. Later in the evening, Supervisor Giza requested to amend this resolution to read for six (6) Police vehicles. It was seconded by the entire Board and the amendment was unanimously approved by the those Town Board members present.

**LEGAL NOTICE  
TOWN OF LANCASTER  
NOTICE TO BIDDERS  
AND/OR  
AUTOMOBILE DEALERS**

**NOTICE IS HEREBY GIVEN** that sealed bids and/or proposals will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, at the Town Hall, 21 Central Avenue, Lancaster, New York, up to 10:00 A.M., Local Time, on the 17th day of April 2007, for furnishing six (6) new 2007 Police Vehicles for use by the Police Department of the Town of Lancaster, in accordance with specifications on file in the Town Clerk's Office, 21 Central Avenue, Lancaster, New York.

A certified check or bid bond in the amount of One Thousand Dollars (\$1,000.00), payable to the Supervisor of the Town of Lancaster, and a Non-Collusive Bidding Certificate must accompany each bid.

The Town reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN  
Town Clerk**

April 2, 2007

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, a fire damaged Storage Building No. 21 used by the Recreation Department at 525 Pavement Road in the Town of Lancaster, and

**WHEREAS**, the General Crew Chief of the Department of Parks Recreation & Forestry of the Town of Lancaster has requested that the Town cause the construction of a new storage building for the use of the Parks Recreation & Forestry Department, and

**WHEREAS**, the Town Consulting Engineer, Wm. Schutt & Associates, has reviewed the damage and concurs that the Town should use its insurance proceeds to construct a metal storage building, and

**WHEREAS**, the Parks & Recreation Committee of the Town Board recommends that the Town Board invite bids for the construction of such a facility;

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That the Town invites bids to be received by the Town Clerk on April 19, 2007 at 10:00 o'clock A.M. Local Time at the Town Hall, 21 Central Avenue, Lancaster, New York, for the purpose of constructing a storage facility for the use of the Department of Parks Recreation & Forestry in accordance with specifications on file in the Town Clerk's Office, and

2. That the Town Clerk be and is hereby authorized to place a Notice to Bidders in the Lancaster Bee and post notices thereof as required by Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 2, 2007

File: rparksbuilding21407

**LEGAL NOTICE  
TOWN OF LANCASTER  
NOTICE TO BIDDERS**

**NOTICE IS HEREBY GIVEN**, that sealed bids will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, in the Council Chamber of the Town Hall, 21 Central Avenue, Lancaster, New York, up to 10:00 o'clock A.M., Local Time, on the 19<sup>th</sup> day of April, 2007, for the purpose of constructing a storage facility for the use of the Department of Parks Recreation & Forestry in accordance with specifications on file in the Town Clerk's Office in the Town Hall, 21 Central Avenue, Lancaster, New York.

A Certified Check or Bid Bond in an amount representing five percentum (5%) of the Total Bid, payable to the Supervisor of the Town of Lancaster, and a Non-Collusive Bidding Certificate must accompany each bid.

The Board reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN  
Town Clerk**

April 2, 2007

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STIMPNIAK, TO WIT:

**WHEREAS**, BOWMANVILLE VOLUNTEER FIRE ASSOCIATION,  
INC., MILLGROVE VOLUNTEER FIRE DEPARTMENT, INC., TOWN LINE VOLUNTEER  
FIRE DEPARTMENT, INC. and TWIN DISTRICT VOLUNTEER FIRE COMPANY, INC.,  
have heretofore entered into contracts with the Town of Lancaster to furnish fire protection to  
the Town of Lancaster. and

**WHEREAS**, separate hearings on each fire protection contract for the above  
fire companies were held on the 19<sup>th</sup> day of March, 2007, pursuant to legal notice duly given;

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That in accordance with Section 184 of the Town Law of the State of  
New York , the Town Board of the Town of Lancaster hereby determines it is in the public  
interest to enter into contracts with said fire companies. effective January 1, 2007, upon the  
following general terms, to wit:

- A. Each fire company shall answer and attend upon all calls  
within the Fire Protection District, and provide emergency  
first aid and rescue services as defined in Section 184 of the  
Town Law and Section 209-b of the General Municipal Law,  
in that territory described in said proposed contract filed in  
the Town Clerk's Office.
- B. For such services, the said fire company shall receive  
payment for five (5) years commencing January 1, 2007 and  
terminating December 31, 2011.
- C. Such other incidental terms as may be necessary or proper in  
connection with such contracting.

2. That the Supervisor execute and deliver an Agreement incorporating  
said terms to said fire companies.

The question of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STIMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 2, 2007

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, the Federal Bureau of Justice Assistance, under their Bulletproof Vest Program, is soliciting grants from local municipalities for reimbursement for the acquisition of bullet-proof vests for sworn police officers, and

**WHEREAS**, the Town of Lancaster Police Department is interested in acquiring 16 new tactical vests, 16 ballistic chest plate inserts, and 4 ballistic chaps leg protection units for the S.W.A.T. team at an approximate cost of \$34,509, and

**WHEREAS**, the grant will provide up to 50% reimbursement for monies to be expended to purchase these items, and

**WHEREAS**, all applications must be completed electronically on-line;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Supervisor is hereby authorized to extend authorization to Grantmakers Advantage, Inc., the Town's grant consultant, to complete the grant application on-line to the Federal Bureau of Justice Assistance for this purpose.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 2, 2007



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER STEMPIAK, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid from  
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director  
of Administration and Finance, to wit:

Claim No. 7588 to Claim No. 7790 Inclusive

Total amount hereby authorized to be paid: \$3,390,023.64

The question of the foregoing resolution was duly put to a vote on roll call which  
resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 2, 2007

File: Reclaims

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO. TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**

**(SW)** = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

**(CSW)** = Conditional sidewalk waiver.

**(V/L)** = Village of Lancaster

**NEW PERMITS:**

14392	Forbes-Capretto Homes	14 Muirfield Ln	Er. Dwlg.-Sin.	
14393	North Forest Devel	2813 Wehrle Dr	Er. Sign-Wall	
14394	Tops Markets	4779 Transit Rd	Er. Sign-Temp	
14395	Ryan Homes	1 Rose St	Er. Dwlg.-Sin.	
14396	Duro-Shed Inc	10 Creekwood Dr	Er. Shed	
14397	Parco Building Systems	1160 Ransom Rd	Er. Pole Barn	
14398	Targia, John	3 Nottingham Ln	Er. Fence	
14399	Kwiatek, Michael	15 Court St	Er. Res. Alt.	
14400	Saba, Mark	3 Bridlepath Ln	Er. Deck	
14401	Forbes-Capretto Homes	590 Columbia Ave	Er. Dwlg.-Sin.	
14402	KCM Custom Garages	3484 Bowen Rd	Er. Garage	
14403	Parco Building Systems	491 Erie St	Er. Comm. Bldg.	
14404	Neureuther, Michael	53 Wayne St	Er. Fence	(V/L)
14405	Forestream Restaurant	4781 Transit Rd	Er. Comm. Add.	
14406	City Fence Inc	290 Seneca Pl	Er. Fence	
14407	Iroquois Fence Co	27 Quail Hollow	Er. Fence	
14408	Peyton Barlow Co	5363 Genesee St	Er. Comm. Alt.	
14409	Ferry Builders Inc	158 Nichter Rd	Er. Dwlg.-Sin.	

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 2, 2007

## COMMUNICATIONS & REPORTS:

154. Erie County Department of Environment & Planning to Supervisor -  
Notification of lead agency designation regarding site plan of proposed Tim Horton's Restaurant, 4849 Transit Road; comments and concerns noted. DISPOSITION = Planning Committee
155. Erie County Department of Environment & Planning to Supervisor -  
Notification of lead agency designation regarding site plan of proposed Salvatore's Italian Gardens Restaurant addition; comments and concerns noted. DISPOSITION = Planning Committee
156. New York State Recreation & Park Society, Inc. to Town Board -  
Announcement of the Society's 67<sup>th</sup> Annual Conference and Exhibition to be held in Buffalo, April 22 - 25, 2007. DISPOSITION = Received & Filed
157. Town of Holland to Town Board -  
Transmittal of resolution memorializing NYS Legislature and Governor to enact legislation mandating stricter penalties for those who use the internet to commit sex crimes against children. DISPOSITION = For Resolution
158. Town of Cheektowaga to Town Clerk -  
Transmittal of resolution memorializing NYS Legislature and Governor to reject recommendation to close St. Joseph's Hospital. DISPOSITION = Resolution 3/19/07
159. Town of Clarence to Supervisor -  
Transmittal of resolution memorializing NYS Legislature and Governor to enact legislation mandating stricter penalties for those who use the internet to commit sex crimes against children. DISPOSITION = For Resolution
160. ABATE of New York to Supervisor -  
Request to proclaim May as Motorcycle Safety and Awareness Month. DISPOSITION = For Resolution
161. United States Environmental Protection Agency to Supervisor -  
Notice of Sanitary Sewer Overflow Compliance Evaluation Inspection scheduled for May 2, 2007. DISPOSITION = Town Engineer
162. NYS DEC to Town Attorney -  
Notification of environmental concerns regarding Buffalo-Lancaster Airport Master Plan, 4343 Walden Avenue. DISPOSITION = Planning Committee
163. Highway Superintendent to Town Board -  
Request permission to deem 1980 Gallion Roller as surplus equipment for auction. DISPOSITION = Resolution 4/2/07
164. NYS DOT to Superintendent, Village of Lancaster Public Works -  
Letter regarding tree cutting and pruning along Broadway in the village. DISPOSITION = Received & Filed
165. NYS Office of the State Comptroller to Town Board -  
Letter regarding changes in the law governing the service award program for volunteer firemen. DISPOSITION = Town Attorney
166. NYS DEC to Town Board -  
Transmittal of permit authorizing clearing of debris from Ellicott Creek; conditions noted. DISPOSITION = Town Engineer

167. General Crew Chief to Supervisor -

Request resolution to advertise for bids for construction of metal building to replace Building 21 at Town Center. DISPOSITION = Resolution 4/2/07

168. Greater Buffalo-Niagara Regional Transportation Council to Town Board -

Notice of meeting to be held Wednesday, April 4, 2007, 9:30 A.M. in Buffalo. DISPOSITION = Received & Filed

169. Town Attorney to Town Board -

Notice of SEQR meeting regarding proposed addition to Salvatore's Italian Gardens to be held Monday, April 2, 2007, 6:30 P.M. DISPOSITION = Received & Filed

170. Town Clerk to Various News Media -

Notice of SEQR meeting regarding proposed addition to Salvatore's Italian Gardens to be held Monday, April 2, 2007, 6:30 P.M. DISPOSITION = Received & Filed

171. Town of West Seneca to Town Board -

Transmittal of resolution memorializing NYS Legislature and Governor to enact legislation mandating stricter penalties for those who use the internet to commit sex crimes against children. DISPOSITION = Received & Filed

172. General Crew Chief to Planning Board, Council Members Montour, Ruffino, and Stempniak -

Notice of approval from Town Forestry Department regarding site plan for proposed addition to Salvatore's Italian Gardens. DISPOSITION = Planning Committee

173. University of Buffalo Director of Census Partnerships to Town Clerk -

Information letter regarding Local Update of Census Addresses (LUCA) and preparation for 2010 Census. DISPOSITION = Building Inspector

174. Town of Aurora to Town Board -

Transmittal of resolution memorializing NYS Legislature and Governor to enact legislation mandating stricter penalties for those who use the internet to commit sex crimes against children. DISPOSITION = Received & Filed

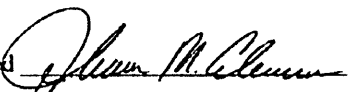
175. Police Chief to Supervisor, Town Board -

Request for resolution to advertise for bids for new police vehicles. DISPOSITION = Resolution 4/2/07

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER STEMPIAK, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the meeting was adjourned at 9:28 P.M.**

Signed

  
Johanna M. Coleman, Town Clerk